

OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)
COMPLAINT REPORT
October – November 2012
OPA Director's Monthly Message

The Office of Professional Accountability's (OPA) monthly report provides information about Seattle Police Department (SPD) misconduct complaints that are investigated by OPA. This report includes summaries as to cases closed during the months of October-November 2012, along with data on the number and classification of complaints filed, with a comparison to earlier months and 2011. Monthly reports include charts showing the percentage of cases closed with different types of findings, information about the OPA mediation program, and policy review and training recommendations when made.

- In the first 11 months of 2012, there were complaints filed against 243 employees, representing 13% of all 1,803 employees (1,292 sworn and 511 civilian).
- 13% of allegations closed January-November 2012 were Sustained, resulting in discipline (as compared to a total of 12% Sustained complaints in 2011).
- 18% of allegations closed to date in 2012 resulted in a Training Referral, meaning that the named employee received training or counseling as a result of the complaint (as compared to a total of 21% of allegations closed with a similar finding in 2011).
- The remaining cases were closed as Unfounded, Lawful and Proper, or Inconclusive.

In 2012, 9 SPD employees were investigated for Driving Under the Influence (DUI), a 50% increase over 2011, when 6 employees were arrested for DUI. While OPA supports the efforts of Safe Call and other organizations that encourage those with substance abuse issues to address the problem confidentially and as early as possible, SPD employees who drive under the influence of drugs or alcohol will face discipline and work restrictions, and cannot avoid the public scrutiny that often follows an arrest.

Deputy Chief Nick Metz, SPOG President Rich O'Neill, and Officer Steve Redmond, from Safe Call, recently issued a joint message to SPD employees about the consequences of driving when impaired. While SPD officers are often first responders to tragic incidents involving people who get behind the wheel of a car when under the influence, some SPD employees themselves make poor decisions about driving while intoxicated. The joint message was sent as a reminder to plan ahead for a designated driver if attending events where alcohol will be served, to intervene and insist that others do not drink and drive, and to encourage people to take advantage of ride offers or to call a cab if needed. While we are particularly mindful of the DUI issue around the holidays, it is a problem encountered year round.

The Seattle community understandably has little tolerance for officers who disregard the laws they are entrusted to enforce. In addition to personal, legal and financial consequences for DUI, SPD imposes work restrictions, OPA will investigate the matter, and Chief Diaz will discipline the officer involved.

When an officer is arrested for DUI, he or she is prohibited from driving an SPD vehicle and will be administratively reassigned while the matter is processed through the courts. In particularly serious cases, an officer can be suspended without pay. The WA Department of Licensing (DOL) commonly will suspend the person's license for 90 days, based on the DUI arrest alone. A license requiring an Ignition Interlock Device (IID) might be issued during this period, though a conviction or plea for DUI, or reckless or negligent driving could result in an IID for another 6 months to a year or longer. SPD won't install IIDs on patrol vehicles and should not be expected to sign an exemption for officers to drive with such license limitations.

If an SPD employee who is stopped for DUI is cooperative and there are no extenuating circumstances, the discipline imposed generally ranges from 3-5 days lost pay, on top of the typical \$10,000 or more in attorney and courts costs, and also can involve reassignment, demotion, or other consequences. Employees are told and should expect that a second DUI offense will result in termination.

Please drive responsibly this holiday season and throughout the coming year.



Seattle Police Department – Office of Professional Accountability

Complaint Report October - November 2012

Cases involving alleged misconduct of SPD employees in the course of their official public duties are summarized below. Identifying information has been removed.

October - November 2012 Closed Cases

Case Summary	Case Finding
The complainant, a third party who witnessed a subject being taken into custody for theft and threats of bodily harm, alleges that the named officer used excessive force by forcing subject to the ground and handcuffing him.	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence indicated that the named employee used reasonable and necessary force when he encountered the subject who had stolen a jacket and threatened to shoot the victim. The force used was well documented and screened by a supervisor.</p>
The complainant, while being issued a parking citation, alleges that the named Parking Enforcement Officer pushed her which caused her to fall into her car injuring her back. OPA added an allegation of Failure to log in with the Communication Center at beginning of the shift	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Assault)—Unfounded 2. Professionalism-Courtesy—Unfounded 3. Violation of Rules/Regulations (Failure to log in with Communication Center at beginning of shift)—Training Referral <p>The evidence, including a criminal investigation by the Department's Homicide and Assault Unit and verification from a witness of the incident, indicated that the alleged assault and discourteous behavior by named employee never occurred. The evidence also showed, including acknowledgment from the named employee, that he did fail to properly log into service with the Communication Center at the beginning of his shift. A Training Referral will give the opportunity for a supervisor to review the incident with the named employee and to provide refresher training on the important role of the Communication Center in enhancing the safety and effectiveness of all police field units.</p>
The complainant, whom the named employee arrested, alleges that the named employee seized a state issued Electronic Benefits Transaction (EBT) card and used the card on multiple occasions to fraudulently obtain cash.	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Theft/Welfare Fraud)—Unfounded <p>The evidence, including a criminal investigation by the Department's Fraud, Forgery, and Financial Exploitation Unit, concluded that the alleged theft of EBT card did not occur by the named employee.</p>



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Case Summary	Case Finding
<p>The complainant, a third party friend of the subject, alleges named employee, while on duty but outside Seattle city limits, used profanity and unnecessary force when contacting his friend for a misdemeanor malicious mischief incident. OPA added an allegation of Reporting the Use of Force.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Sustained 2. Professionalism-Profanity—Inconclusive 3. Unnecessary Use of Force—Inconclusive 4. Reporting the Use of Force—Sustained <p>The evidence showed that the named employee used less than acceptable discretion while he engaged and detained the subject. The evidence also showed, including acknowledgment from the named employee, that force was used. The named employee should have contacted an on-duty supervisor to screen the use of force and the arrest and release of the subject. The allegations of Unnecessary Use of Force and Use of Profanity, were neither proved nor disproved by a preponderance of the evidence.</p> <p>Corrective action: 4-day suspension without pay.</p> <p>Note: The circumstances underlying this complaint exemplify the tension inherent in officers' duty to enforce the law and the misunderstanding that can arise when relatively minor infractions result in use of force, even when the force itself is minimal. OPA is sharing the pertinent facts involved with the Training Unit, with a suggestion that the case be used in developing training scenarios to guide officers in their use of discretion in confronting low level offenses.</p>
<p>The complainant, the roommate of the named employee, alleges that the named employee damaged an item of his by throwing it to the ground</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (DV Property Damage)—Inconclusive <p>The allegation was neither proved nor disproved by a preponderance of the evidence. The City Attorney's Office also declined to file charges for DV Property Damage.</p>
<p>The complainant, a Department supervisor, alleges the named civilian employee was dishonest when she reported she was summoned for jury duty when she was not.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Dishonesty—Sustained 2. Timekeeping/Jury Duty—Sustained <p>The evidence, including admission by the named employee that she was not truthful when she reported that she was summoned for jury duty, showed she engaged in the alleged misconduct.</p> <p>Corrective action: 5-day suspension without pay.</p>



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Case Summary	Case Finding
<p>The complainants, employees of an agency servicing street kids, runaways, homeless and at-risk youth, allege that the named officers, were rude, threatening, and acting outside the scope of their legal authority when checking on the welfare of a missing girl at the request of her mother.</p>	<p>Allegation and Finding 3 named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Professionalism-Discourtesy—Training Referral 2. Violation of Rules/Regulation—Training Referral 3. Improper Search—Training Referral <p>The evidence demonstrated that officers and employees working at this social service agency have for many years had disputes over what actions or services are in the best interest of the minor children staying at the center. Precinct supervisors have been involved with on-going discussions with the social service center staff about more constructive and productive ways to interact. The Training Referral finding will provide an opportunity for a supervisor to review this incident with the named officers and to discuss more effective communication approaches.</p> <p>Note: Captain Dermody requested information from the Seattle Human Services Department regarding agency requirements for reporting missing or runaway juveniles. He also asked for a copy of the contract by which this agency receives city funding to determine expectations as to cooperation with law enforcement. This information will be useful as he and other precinct commanders continue to work with the agency on expectations regarding interface with SPD officers.</p>
<p>The complainant, a supervisor within the Department, alleges that the subject reported that she had sexual contact with the named employee during the course of the officer's official duties.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Misuse of Authority—Unfounded 2. Professionalism/Policy—Unfounded 3. Violation of Law (Sexual Assault)—Unfounded <p>The evidence demonstrated that the alleged allegations did not occur as reported.</p>



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Case Summary	Case Finding
<p>The complainant, a Parking Enforcement Officer (PEO), alleges that during the course of performing PEO duties, the named employee was discourteous when his police department vehicle was cited. OPA added an allegation that the named employee failed to comply with Department policy regarding unpaid parking tickets.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Training Referral 2. Professionalism-Duty to Identify—Unfounded 3. Parking Citations on Department Vehicles—Inconclusive <p>The evidence showed that the named employee was discourteous when interacting with the complainant. A Training Referral will give the opportunity for a supervisor to review this incident with the named employee and discuss better ways of handling this situation. The evidence also determined that the named employee did identify himself. The allegation of failing to process parking tickets could neither be proved nor disproved as it could not be established the named employee was in possession of the SPD vehicle at the time..</p>
<p>The complainant, a SPD Parking Enforcement Officer (PEO), alleges that during the course of performing the duties as a PEO, the named employee attempted to use his position as a police officer to change the enforcement decision.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Misuse of Authority—Unfounded <p>The evidence showed that the named employee asked the PEO for clarification as to why he was cited. The PEO mistook this question as a request to cancel the citation. The named employee paid the infraction on the same day, evidence he had no expectation the infraction would be cancelled because of his position as a police officer.</p>
<p>The complainant alleges that the named employee, while working off-duty performing traffic control duties, yelled and threatened arrest because the complainant disobeyed his directions. OPA added an allegation that the named employee failed to obtain a Secondary Employment Permit.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Secondary Employment Permits—Sustained <p>The misconduct of discourteous behavior by the named employee was neither proved nor disproved by a preponderance of the evidence. The evidence showed that the named employee failed to obtain a secondary work permit prior to performing secondary employment.</p> <p>Corrective action: Written reprimand.</p>



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Case Summary	Case Finding
The complainant, a supervisor within the Department, alleges that an unknown employee tipped off a suspect in a theft incident.	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Confidentiality—Inconclusive 2. Integrity/Conflict of Interest—Inconclusive <p>The allegations of misconduct by an unknown SPD employee was neither proved nor disproved by a preponderance of the evidence.</p>
The complainant alleged that named employees could have used better discretion other than kicking open his apartment door to gain access while an ex-paramour gathered her belongings. It is also alleged that one of the named employees was discourteous when discussing the situation with the complainant.	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Lawful & Proper <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Unfounded 2. Professionalism-Exercise of Discretion—Lawful & Proper <p>The evidence showed that the named employees' action to gain entry into the residence was justified and necessary. The evidence, including an audio recording from a witness, also showed that the named employee was not discourteous.</p>
The complainant, who had threatened to harm herself, alleges that named employees used unnecessary force while waiting for an ambulance and involuntarily commitment.	<p>Allegation and Finding</p> <p>Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including testimony from the complainant's caregiver who witnessed the incident, showed that the named employees' actions were necessary and justified.</p>
The complainant, who was arrested for domestic violence assault, alleges that the named employees used unnecessary force while taking him into police custody.	<p>Allegation and Finding</p> <p>Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence showed that the named employees used necessary force while taking the DV suspect into custody. The incident and the use of force were both screened by an on-duty supervisor.</p>



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Case Summary	Case Finding
<p>The complainant alleges that the named employee, working off-duty directing traffic, yelled at her and was abusive and humiliating.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive <p>The misconduct alleged was neither proved nor disproved by a preponderance of the evidence.</p>
<p>The complainant alleges that the two named employees, while assisting a neighboring police agency locate a suspect, entered his residence without permission and was discourteous while interacting with him.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Searches-General/Procedures—Sustained <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Searches-General/Procedures—Sustained 2. Professionalism-Courtesy—Sustained <p>The evidence showed that the named employees did not have legal justification for warrantless entry and search of the complainant's home. The evidence also showed that named employee #2 was discourteous when interacting with the complainant.</p> <p>Corrective action: Written reprimand for both named employees.</p> <p>Note: The OPA Director previously has made recommendations that training on searches be emphasized by the Department, particularly given that the law in this area is continually evolving. The Director strongly recommended that Street Skills training always devote time to these issues and that the Department provide multi-media training updates throughout the year as new law develops.</p>
<p>The complainant, after viewing news footage on the May Day Protest incident, alleges that named employees used unnecessary force by striking an arrestee in the head during the arrest process.</p>	<p>Allegation and Finding</p> <p>Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence showed that head strikes were not used to arrest subject during this incident. The evidence also showed that the force used to take the arrestee into custody was necessary and justified. The use of force was properly documented and reviewed by a supervisor.</p>



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Case Summary	Case Finding
<p>The complainant, who made threats to harm herself and others, alleges that named employees used excessive force when they took her into police custody. OPA added an allegation of Failure to Report the Use of Force.</p>	<p>Allegation and Finding Two named employees, same allegations, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful Proper 2. Reporting the Use of Force—Unfounded <p>The evidence showed that the named employees, one sergeant and one officer, used minimal, necessary and justified force while placing handcuffs on the complainant. The evidence, including medical records, also showed that the minimal force used was not likely to cause injury and was not reportable use of force by Department policy.</p>
<p>An anonymous complainant alleges that the named civilian employee, a Parking Enforcement Officer (PEO), worked an off-duty job on her furlough day that was bracketed by the use of sick time, which constitutes a violation of policy.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Secondary Employment Policy—Training Referral <p>The evidence showed that the named PEO did work an off duty job on her furlough day that was bracketed by the use of sick time. The training referral finding will provide an opportunity for a supervisor to discuss the incident and policy with the named employee.</p> <p>Note: The OPA Director comments that the policy at issue is unclear and is undergoing review by the Professional Standards Section. The Director recommends that the Professional Standards Section consider the primary issue raised by this complaint as it works on policy revisions.</p>
<p>The complainant, who was interviewed and released for possession of marijuana, alleges that the named employee used unnecessary force by grabbing his throat and pushing his head against a brick wall. Complainant also alleges that named officer took his marijuana and medical marijuana authorization card. OPA added an allegation of Failure to Report the Use of Force.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Reporting Use of Force—Unfounded <p>The evidence showed that the misconduct alleged did not occur as reported. Further, the marijuana and medical marijuana authorization card were entered into the department's Evidence Section per Department policy.</p>



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Case Summary	Case Finding
<p>The anonymous complainant alleges that the named employee posted on a social media page a photo of illegal fireworks along with a comment alluding to the purchase, possession or use of illegal fireworks.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (Possession of Illegal Fireworks)—Training Referral <p>The evidence showed that the named employee posted a picture of illegal fireworks on a social media website. This incident was screened and declined to be processed as a criminal case by the neighboring law enforcement agency where the named employee lives. A Training Referral will benefit the named employee through review with a supervisor the law on possession of illegal fireworks and the Department policy on social media, with a reminder that social media postings can have unintended consequences.</p>
<p>The complainant, a supervisor for the Department, alleges the named employee unnecessarily delayed his response after being dispatched to a priority one call.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral <p>The evidence showed that the named employee was counseled by his supervisor for his delayed response to a priority one call; however, the supervisor has since died and no documentation on the counseling could be found. A Training Referral will allow a current supervisor to review the matter, with a report back to OPA about the counseling and training that takes place.</p>
<p>The complainant, a supervisor within the Department, alleges that the named employee had unauthorized communication with the media and leaked confidential law enforcement information.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unauthorized Release of Information to the Media—Inconclusive 2. Unauthorized Communication of Confidential Information—Inconclusive <p>The alleged misconduct by the named employee could neither be proved nor disproved by a preponderance of the evidence. However, the OPA Director noted that the evidence was troublesome and that the named employee should avoid even the appearance of unauthorized media communications as it can undermine trust within the Department and with the Community.</p>
<p>The complainant alleges that named employee used unnecessary force by grabbing and twisting her arm while forcing her into a chair, resulting in shoulder pain and temporary bruising.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Unnecessary use of Force—Unfounded <p>The evidence, including a statement made by a witness, showed that no force was used on the complainant.</p>



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Case Summary	Case Finding
<p>The complainant alleges that the named officers did not fully investigate the incident in which he was involved, by interviewing him and other witnesses in the incident. The complainant also alleges that the named officer used excessive force when taking him into custody and alleges the named employees were racially motivated against him.</p>	<p>Allegation and Finding 2 named employees, same allegations, same findings</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral 2. Unnecessary Use of Force—Lawful & Proper 3. Unbiased Policing/Policy—Unfounded <p>The evidence showed that the named employees could have called for assistance from the Crisis Intervention Team (CIT), based on preliminary information they received from the victim. A Training Referral will give the supervisor of the named employees the opportunity to discuss this incident and counsel them about CIT resources. The evidence also showed that the force used was necessary and within policy when taking the complainant into custody. The evidence demonstrated that the actions of the named employees were not racially motivated as alleged.</p>
<p>The complainant, after being stopped for a traffic violation, alleges the named employee banged on her window aggressively and then asked her questions but interrupted as she attempted to answer. OPA added an allegation that the named employee did not use In-Car Video per Department policy.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. In-Car Video/Policy—Sustained <p>The misconduct of courtesy could neither be proved nor disproved by a preponderance of the evidence. The evidence did show that the named employee did not engage the In-Car Video System per Department policy.</p> <p>Corrective action: Oral reprimand.</p>
<p>The complainant, a supervisor within the Department, was alerted through a Public Disclosure Request that the named employees used profanity and made disparaging remarks on In-Car Video/Audio.</p>	<p>Allegation and Finding 2 named employees, same allegations, same findings</p> <ol style="list-style-type: none"> 1. Professionalism-Profanity—Training Referral 2. Professionalism-Policy—Training Referral <p>The evidence showed that the named officers did use profanity and made disparaging remarks while speaking with each other in a private conversation. A Training Referral will provide an opportunity for a supervisor to discuss this incident with the named employees and to remind them that maintaining a professional demeanor at all times is best practice.</p>



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Case Summary	Case Finding
<p>The anonymous complainant alleges that the named employee exerted undue influence at the scene of a traffic collision involving a family member. Complainant also alleges that the named employee exerted undue influence in the selection of materials to be used in a promotional exam and in soliciting donations from SPD employees in support of a non-profit organization.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative—Unfounded 2. Professionalism-Exercise of Discretion—Training Referral 3. Integrity-Misuse of Authority—Unfounded <p>An investigation by the Washington State Patrol, which was reviewed by the King County Prosecuting Attorney's Office, uncovered no evidence of criminal law violation of Official Misconduct. The evidence also showed that key personnel, both inside and outside of the Department, met, discussed and agreed what material would be included in a promotional exam, and no undue influence was involved. The evidence demonstrated that donations solicited for a non-profit organization could have created the appearance of conflict. A Training Referral will give the named employee's supervisor the opportunity to discuss this incident and potential conflicts associated with fundraising in the Department.</p>
<p>The complainant alleges that an unknown SPD employee made fraudulent purchases with his credit card accounts after obtaining his credit card information from him over the telephone.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative (Fraud)—Unfounded <p>The evidence, including a criminal investigation by the Department's, Fraud, Forgery and Exploitation Unit, showed that the suspect who fraudulently used complainant's credit card was not an SPD employee.</p>
<p>The complainant, a supervisor within the Department, alleges that the named employee was arrested for Driving Under the Influence.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative (DUI)—Sustained <p>The evidence showed that the named employee was arrested for Driving Under the Influence and pled guilty to Reckless Driving.</p> <p>Corrective action: 5-day suspension without pay (not imposed per Settlement Agreement, though operates as imposed if there is a future alcohol related incident).</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant, on a ride-a-long with the named employee during his patrol shift, alleged various misconduct by the named employee. The complainant also alleged that the named employee and an unknown employee showed evidence of bias in their policing.</p>	<p>Allegation and Finding 1 named employee, 1 unknown employee Named Employee #1</p> <ol style="list-style-type: none"> 1. Integrity-Gratuities—Unfounded 2. Professionalism-Criticism of Others—Unfounded 3. Unnecessary Use of Force—Unfounded 4. Emergency Vehicle Operations/Policy—Training Referral 5. Unbiased Policing/Policy—Unfounded 6. Searches-general/Procedures—Lawful & Proper <p>Unknown Employee</p> <ol style="list-style-type: none"> 1. Unbiased Policing/Policy—Unfounded 2. Professionalism-Criticism of Others—Unfounded <p>The evidence, including testimony from a supervisor at the coffee shop where complainant alleges named employee accepted free drink and food, affirmed that their staff knows that SPD officers cannot accept gratuities and they do not offer them. The evidence also showed that the named employee and an unknown employee expressed their private opinions, while off-duty and in a school setting, concerning a Department Initiative, which did not constitute misconduct. The allegation of use of force stemmed from the named employee's recitation to the complainant of a previous arrest and use of force situation. This incident was properly documented and reviewed by supervisors. The evidence, including acknowledgement by the named employee, shows he sometimes texts while driving. A Training Referral will remind the employee of law and policy on texting. Though SMC 11.84.460 Text Message on Wireless Device provides an exemption for operators of authorized emergency vehicles, City and SPD Policy is more restrictive and requires that all City employees who are using a phone while driving do so in hands-free mode only. Regarding the allegation whether the named employees showed bias policing when investigating an assault, the evidence showed they correctly arrested the person who initiated contact and the decision was unrelated to the suspect's sexual orientation. The evidence also showed that the named employee used proper procedures when searching an intoxicated citizen for identification pursuant to an officer's community caretaking function.</p>



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Case Summary	Case Finding
<p>The complainant alleges that named employee #1 was rude when he asked what they were doing and that named employee #2 used excessive force when he used his hand to forcibly push him away.</p>	<p>Allegation and Finding Two named employees Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Professionalism-Duty to Identify—Training Referral <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The misconduct of courtesy by named employee #1 could neither be proved nor disproved by preponderance of the evidence. The evidence showed that named employee #1 could have provided the complainant a business card with her name. A Training Referral will benefit the employee by discussing this incident with a supervisor and reviewing Department policy on identifying oneself when asked. The evidence also showed that the use of force by named employee #2, when he extended his hand to keep complainant from getting too close, was minimal and non-reportable.</p>
<p>The complainant alleges that named employees used excessive force by punching and kicking him in the head at the moment of his arrest while he was having a seizure. Complainant also alleges that the named employees repeatedly questioned him for an extended period after he invoked his right to remain silent and had requested an attorney. OPA added and allegation of Failure to Report the Use of Force.</p>	<p>Allegation and Finding 2 named employees, same allegations, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Reporting the Use of Force—Unfounded 3. Miranda/Interrogation after Lawyer Requested—Unfounded <p>The evidence, including In-Car Video/Audio, showed that force was never used during this arrest, nor did any questioning occur after the complainant asked for a lawyer. The Seattle Fire Medics also examined the complainant during this incident and released him back to SPD.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The Complainant, who was taken into police custody, alleges that named employee #1 made profane hand gesture when she was in the Precinct holding cell and named employee #2 inappropriately touched her while being strip searched. Complainant also alleges that named employee #3 used excessive force while being handcuffed.</p>	<p>Allegations and Findings</p> <p>3 named employees</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Strip Searches/Procedures—Training Referral <p>Named employee #3</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded <p>The misconduct of courtesy by named employee #1 could not be proved nor disproved by preponderance of the evidence. The evidence showed that named employee #2 did not follow proper procedure in performing a strip search. A training referral will give opportunity for a supervisor to review this incident with the named employee and to provide the necessary training and guidance in how to properly perform a strip search in the future. The evidence showed that the named employee #3 used minimal amount of force while handcuffing the complainant.</p> <p>Note: The OPA Director notes that the policy on performing strip searches does not provide sufficient detail as to how strip searches are to be conducted and employees are not trained on the techniques they should use. The Director recommends that Professional Standards Unit and Training Unit review current policy and training and make changes as needed.</p>

Definition of Findings:

Inconclusive (formerly Not Sustained) means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

Lawful and Proper (formerly Exonerated) means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Sustained means the allegation of misconduct is supported by a preponderance of the evidence.

Training Referral (formerly Supervisory Intervention) means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

Unfounded means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

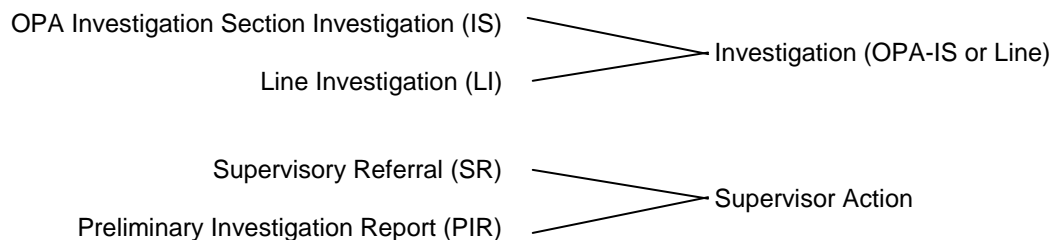


Mediation Program

The OPA Director and Auditor selected 4 cases during the months of October and November 2012 to be resolved through the Mediation Program. Of the 4 cases that were selected, 2 complainants declined to mediate and in 1 case the officer declined to mediate after citizen had agreed. In 1 case the citizen has agreed to mediate however steps are being taken to identify the named employee.

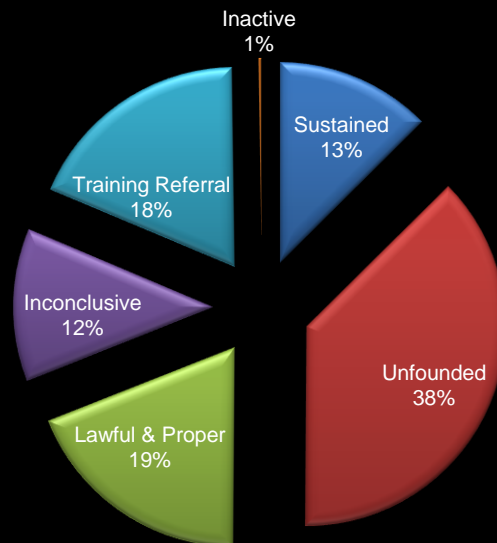
Cases Opened -2011/2012 by Month Comparison

	PIR/SR	Supervisor Action	LI/IS	Investigation	TOTAL	
Date	2011	2012	2011	2012	2011	2012
1/1-1/31	17	33	20	16	37	49
2/1-2/29	24	27	18	14	42	41
3/1-3/31	19	26	13	10	32	36
4/1-4/30	31	40	23	20	54	60
5/1-5/31	37	42	19	17	56	59
6/1-6/30	29	28	15	18	44	46
7/1-7/31	26	33	9	18	35	51
8/1-8/31	39	46	16	15	55	61
9/1-9/30	22	40	13	17	35	57
10/1-10/31	27	37	15	15	42	52
11/1-11/30	21	26	27	8	48	34
12/1-12/31	26		14		40	0
Totals	318	378	202	168	520	546





Disposition of Completed Investigations
Cases opened as of January 1, 2012 and closed as of November 30, 2012
N=175 Closed Cases/445 Allegations



Disposition of Completed Investigations
Open as of Jan 1, 2011 and closed as of December 31, 2011
N=200 Closed Cases/584 Allegations

